REMARKS/ARGUMENTS

Claims 1-26, and 28-32 are pending in the application. Claims 1-26 and 28-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grube et al. (U.S. Pat. 5,602,916) in view of Anderson, Jr. (U.S. Pat. 5,805,674) by the Examiner.

The applicants respectfully traverse the use of the combination of the Grube reference with the Anderson reference to reject all the claims. It is respectfully noted that two references should not be combined when the proposed modification would render one of the references unsatisfactory for its intended purpose. Furthermore, it is also improper if the proposed modification would change the principle of operation of a reference. The MPEP in §2143.01 notes these well established principles at page 2100-127 of the eighth edition, revised February 2003.

The Examiner noted in the most recent Office Action in paragraph 4, that the Grube reference fails to disclose continuing operation of the processing system. Therefore, the Examiner cited the combination of the Grube reference with the Anderson reference so as to satisfy the continuing operation element of the claim. However, it is noted that the Grube reference cannot fulfill its intended purpose if it is combined with the Anderson reference as required in the Office Action. Namely, the Grube reference would be unsatisfactory for its intended purpose if it were to continue operation of its processing system according to the manner described by Anderson. Anderson describes at column 12, lines 37-64, continuous operation in which the security level in a telephone call is increased every tenth call, in an attempt to detect when a non-authorized user is attempting to gain access. In contrast, the Grube reference at column 7, lines 53-65, indicates that if acknowledgement is not constructed with proper transmission security level parameters, then the process ends and data is not transmitted to the wireless communication system. In addition, the Grube reference transmits a fault message indicating that a secure communication could not be established. If the Grube reference were modified according to the Anderson reference, Grube would fail to stop a breach of security. Therefore, it would not work for its intended purpose and would not be useful as a secure system. The intermittent security check of Anderson, which merely teaches raising

security every tenth call, would be insufficient to provide a reliable security system for Grube. Since Grube is directed as its title states towards preventing unauthorized monitoring of wireless data transmissions, the combination of Grube with Anderson clearly would render Grube unsatisfactory for its intended purpose.

Similarly, the MPEP indicates in §2143.02 that the proposed modification of a reference cannot change the principle of operation of the reference. The principle of operation of the Grube reference is to discontinue operation of the processing system in Grube when an unauthorized user is detected. This was noted by the Examiner in paragraph 4 of the Office Action. Thus, to modify Grube with the system of Anderson would necessarily change the principle of operation of Grube. This is not permitted under 35 U.S.C. §103 for purposes of establishing a prima facie case of obviousness.

Thus, the combination of Grube with Anderson under 35 U.S.C. §103 is respectfully traversed. Since this combination was utilized in rejecting all of the pending claims, it is respectfully requested that the rejection be withdrawn and the claims passed to allowance.

Furthermore, the Office Action stated in paragraph 35 that Grube did disclose a decreased security authorization code. The Office Action cited column 7, lines 27-28; column 8, lines 3-5; and column 8, lines 7-8. The above cited portions of the Grube reference, however, fail to explicitly disclose a decreased security authorization code. A decreased security authorization code is a code applicable to authorize a change in security from a higher level of security to a lower level of security. At best, the cited portions of the Grube reference teach that a transmission security level can be determined based on the ID of the requester and the ID of the source database contained within the transmitted data. As Grube goes on to state at column 7, lines 28-31, the determination is made based on a security field entry in a database corresponding to the current identity of the particular database and the identity of the communication unit. This appears to be a static table look-up feature, as opposed to an actual code that can be sent to authorize a decrease in security. The ability to send a code allows a more dynamic implementation of security than a table look-up process would permit. In view of the fact that it

appears Grube does not teach a decreased security authorization code, the rejection of the claims reciting such a feature is also respectfully traversed.

The remarks from the previous response are also hereby incorporated by reference.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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